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UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

CALIFORNIA EDUCATION COMMITTEE, LLC and **PRISCILLA SCHREIBER**, Plaintiffs, v. **ARNOLD SCHWARZENEGGER**, in his official capacity as Governor of the State of California; **EDMUND G. BROWN, JR.**, in his official capacity as Attorney General of the State of California; **JACK O'CONNELL** in his official capacity as California Superintendent of Public Instruction; and **DOES 1 through 20 inclusive**, Defendants.	CASE NO.: 07-CV-02246-BTM-WMC **NOTICE OF OPPOSITION TO AMICI CURIAE EQUALITY CALIFORNIA AND GAY-STRAIGHT ALLIANCE NETWORK'S [PROPOSED] MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS** Judge: Hon. Barry Ted Moskowitz Dept: Courtroom 15

Plaintiffs CALIFORNIA EDUCATION COMMITTEE, LLC and PRISCILLA SCHREIBER (hereinafter "Plaintiffs") respectfully submit this Notice to inform the Court that they oppose Amici Curiae Equality California and Gay-Straight Alliance Network's [Proposed] Memorandum of Points and Authorities in Support of Defendants' Motion to Dismiss as filed.

On January 18, 2007, the parties to this action filed a Joint Motion Requesting Leave for Proposed Defendant-Intervenors Equality California and Gay-Straight Alliance Network to File Brief as Amici Curiae in Support of State Defendants' Motion to Dismiss. At the time of the filing of that Motion, it was not Plaintiffs' understanding that the Proposed Amici Curiae would be filing a brief addressing the merits of Plaintiffs' vagueness cause of action at this stage of the litigation. Plaintiffs have subsequently received the proposed Amicus Brief, which was filed on January 18, 2008, and while Plaintiffs do not oppose the arguments made in support of Defendants' Motion to Dismiss, Plaintiffs do oppose the arguments made by the Proposed Amici Curiae that put before this Court additional grounds to dismiss the case when they are not a party to the case. These arguments pertaining to the legal sufficiency of the vagueness cause of action in Plaintiffs' Complaint are beyond the scope of Defendants' Motion to Dismiss and therefore not appropriate in an Amicus Brief.

Accordingly, Plaintiffs ask that this Court deny the Proposed Amici Curiae's attempt to have this argument considered. Further, should the Court determine that such an argument is appropriate, Plaintiffs request sufficient time to for parties to fully brief the issues.

DATED: January 21, 2008

ADVOCATES FOR FAITH AND FREEDOM

By: s/ Jennifer Monk
Jennifer L. Monk
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Attorneys for Plaintiffs

DECLARATION OF SERVICE

I, Lindsay Jonker, certify that I am I am employed in the county of Riverside, State of California. I am over the age of 18 and not a party to the within action. My business address is 24910 Las Brisas Road, Suite 110, Murrieta, California 92562.

On January 21, 2008, I caused to be served the foregoing documents described as **NOTICE OF OPPOSITION TO AMICI CURIAE EQUALITY CALIFORNIA AND GAY-STRAIGHT ALLIANCE NETWORK'S [PROPOSED] MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS** on the following interested parties in this action:

☒ Via **ELECTRONIC CASE FILING**, by which listed counsel will automatically receive court-generated e-mail notices with links to true and correct copies of said documents:

- **Attorney General**
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I declare under penalty of perjury that the foregoing is true and correct. Executed at Murrieta, California, on January 21, 2008.

Lindsay Jonker, Declarant